

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

---

DAVID L. REID,  
MICHAEL PALMERI, and  
DAVID RICOTTA

**SPECIAL VERDICT SHEET**  
15-CV-1078(JJM)

Plaintiffs,

v.

COUNTY OF ERIE,

Defendant.

---

1. Did Plaintiff David Reid engage in an activity protected by federal law?

\_\_\_\_ Yes ☒ No

At least five jurors must agree and sign his/her name below.

\_\_\_\_\_  
If five of six jurors answered, "Yes," then proceed to Question 2; otherwise, please proceed to Question 8.

2. Did Defendant County of Erie know Plaintiff David Reid was engaged in this activity?

\_\_\_\_ Yes \_\_\_\_ No

At least five jurors must agree and sign his/her name below.

_____	_____
_____	_____
_____	_____

If five of six jurors answered, "Yes," then proceed to Question 3; otherwise, please proceed to Question 8.

3. Did Defendant County of Erie take an adverse employment action against Plaintiff David Reid?

\_\_\_\_\_ Yes \_\_\_\_\_ No

At least five jurors must agree and sign his/her name below.

_____	_____
_____	_____
_____	_____

If five of six jurors answered, "Yes," then proceed to Question 4; otherwise, please proceed to Question 8.

4. Was there a causal connection between the protected activity and the adverse employment action?

\_\_\_\_\_ Yes \_\_\_\_\_ No

At least five jurors must agree and sign his/her name below.

_____	_____
_____	_____
_____	_____

If five of six jurors answered, "Yes," then proceed to Question 5; otherwise, please proceed to Question 8.

5. Did Defendant County of Erie articulate a legitimate, non-retaliatory reason for taking the adverse employment action against Plaintiff David Reid?

\_\_\_\_\_ Yes \_\_\_\_\_ No

At least five jurors must agree and sign his/her name below.

_____	_____
_____	_____
_____	_____

If five of six jurors answered, "Yes," then proceed to Question 6; otherwise, please proceed to Question 7.

6. Did Plaintiff David Reid sufficiently show the non-retaliatory reason was false and retaliation was the real motive for taking the adverse employment action against him?

\_\_\_\_\_ Yes \_\_\_\_\_ No

At least five jurors must agree and sign his/her name below.

_____	_____
_____	_____
_____	_____

If five of six jurors answered, "Yes," then proceed to Question 7; otherwise, please proceed to Question 8.

7. What is the amount of non-economic damages, if any, suffered by Plaintiff David Reid directly caused by the adverse employment actions taken by Defendant County of Erie in retaliation of Plaintiff David Reid engaging in a protected activity?

\$ \_\_\_\_\_

At least five jurors must agree and sign his/her name below.

_____	_____
_____	_____
_____	_____

Once five of six jurors have agreed to the amount of the damage award, then proceed to Question 8.

8. Did Plaintiff Michael Palmeri engage in an activity protected by federal law?

X Yes \_\_\_\_ No

At least five jurors must agree and sign his/her name below.

\_\_\_\_\_  
If five of six jurors answered, "Yes," then proceed to Question 9; otherwise, please proceed to Question 16.

9. Did Defendant County of Erie know Plaintiff Michael Palmeri was engaged in this activity?

X Yes \_\_\_\_ No

At least five jurors must agree and sign his/her name below.

\_\_\_\_\_  
If five of six jurors answered, "Yes," then proceed to Question 10; otherwise, please proceed to Question 16.

10. Did Defendant County of Erie take an adverse employment action against Plaintiff Michael Palmeri?

X Yes \_\_\_\_ No

At least five jurors must agree and sign his/her name below.

\_\_\_\_\_

If five of six jurors answered, "Yes," then proceed to Question 11; otherwise, please proceed to Question 16.

11. Was there a causal connection between the protected activity and the adverse employment action?

\_\_\_\_ Yes ☒ No

At least five jurors must agree and sign his/her name below.

\_\_\_\_\_

\_\_\_\_\_

If five of six jurors answered, "Yes," then proceed to Question 12; otherwise, please proceed to Question 16.

12. Did Defendant County of Erie articulate a legitimate, non-retaliatory reason for taking the adverse employment action against Plaintiff Michael Palmeri?

\_\_\_\_ Yes \_\_\_\_ No

At least five jurors must agree and sign his/her name below.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

If five of six jurors answered, "Yes," then proceed to Question 13; otherwise, please proceed to Question 14.

13. Did Plaintiff Michael Palmeri sufficiently show the non-retaliatory was both false and retaliation was the real motive for taking the adverse employment action against him?

\_\_\_\_\_ Yes \_\_\_\_\_ No

At least five jurors must agree and sign his/her name below.

_____	_____
_____	_____
_____	_____

If five of six jurors answered, "Yes," then proceed to Question 14; otherwise, please proceed to Question 16.

14. What is the amount of economic damages, if any, suffered by Plaintiff Michael Palmeri directly caused by the adverse employment actions taken by Defendant County of Erie in retaliation of Plaintiff Michael Palmeri engaging in a protected activity?

\$ \_\_\_\_\_

At least five jurors must agree and sign his/her name below.

_____	_____
_____	_____
_____	_____

Once five of six jurors have agreed to the amount of economic damages to be awarded, then proceed to Question 15.

15. What is the amount of non-economic damages, if any, suffered by Plaintiff Michael Palmeri directly caused by the adverse employment actions taken by Defendant County of Erie in retaliation of Plaintiff Michael Palmeri engaging in a protected activity?

\$ \_\_\_\_\_

At least five jurors must agree and sign his/her name below.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Once five of six jurors have agreed to the amount of non-economic damages to be awarded, then proceed to Question 16.

16. Did Plaintiff David Ricotta engage in an activity protected by federal law?

X Yes \_\_\_\_ No

At least five jurors must agree and sign his/her name below.

\_\_\_\_\_  
\_\_\_\_\_

If five of six jurors answered, "Yes," then proceed to Question 17; otherwise, NOTIFY THE COURT THE JURY HAS REACHED A VERDICT.

17. Did Defendant County of Erie know Plaintiff David Ricotta was engaged in this activity?

X Yes \_\_\_\_ No

At least five jurors must agree and sign his/her name below.

If five of six jurors answered, "Yes," then proceed to Question 18; otherwise, NOTIFY THE COURT THE JURY HAS REACHED A VERDICT.

18. Did Defendant County of Erie take an adverse employment action against Plaintiff David Ricotta?

X Yes \_\_\_\_ No

At least five jurors must agree and sign his/her name below.

If five of six jurors answered, "Yes," then proceed to Question 19; otherwise, NOTIFY THE COURT THE JURY HAS REACHED A VERDICT.

19. Was there a causal connection between the protected activity and the adverse employment action?

\_\_\_\_ Yes X No

At least five jurors must agree and sign his/her name below.

-

If five of six jurors answered, "Yes," then proceed to Question 20; otherwise, NOTIFY THE COURT THE JURY HAS REACHED A VERDICT.

20. Did Defendant County of Erie articulate a legitimate, non-retaliatory reason for taking the adverse employment action against Plaintiff David Ricotta?

\_\_\_\_ Yes \_\_\_\_ No

At least five jurors must agree and sign his/her name below.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



If five of six jurors answered, "Yes," then proceed to Question 21; otherwise, proceed to Question 22.

21. Did Plaintiff David Ricotta sufficiently show the non-retaliatory was both false and the retaliation was the real motive for taking the adverse employment action against him?

\_\_\_\_ Yes \_\_\_\_ No

At least five jurors must agree and sign his/her name below.

_____	_____
_____	_____
_____	_____

If five of six jurors answered, "Yes," then proceed to Question 22; otherwise, NOTIFY THE COURT THE JURY HAS REACHED A VERDICT.

22. What is the amount of economic damages, if any, suffered by Plaintiff David Ricotta directly caused by the adverse employment actions taken by Defendant County of Erie in retaliation of Plaintiff David Ricotta engaging in a protected activity?

\$ \_\_\_\_\_

At least five jurors must agree and sign his/her name below.

_____	_____
_____	_____
_____	_____

Once five of six jurors have agreed to the amount of economic damages to be awarded, then proceed to Question 23.

23. What is the amount of non-economic damages, if any, suffered by Plaintiff David Ricotta directly caused by the adverse employment actions taken by Defendant County of Erie in retaliation of Plaintiff David Ricotta engaging in a protected activity?

\$ \_\_\_\_\_

At least five jurors must agree and sign his/her name below.

_____	_____
_____	_____
_____	_____

NOTIFY THE COURT THE JURY HAS REACHED A VERDICT